

Appl. No. 10/028,748
Amdt, dated April 26, 2006
Reply to Office Action of December 28, 2005

PATENT

REMARKS/ARGUMENTS

Upon entry of this amendment, claims 65-78 have been cancelled. New claims 79-80 have been added. Claims 1-64 were previously cancelled. Hence, claims 79-80 are pending. Support for the newly added claims can be found in the specification. No new matter has been added. Reconsideration is respectfully requested.

Rejected Claims

In the Office Action mailed December 28, 2005, claim 68 was rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Claims 65-67 and 69-72 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Zhao et al. (Gene, 1995, volume 156, pp. 207-213). Claims 73-75 and 77 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Zhao et al. (Gene, 1995, volume 156, pp. 207-213) in view of Burks et al. (Methods in Enzymology, volume 183, 1990, pp. 3-22). Additionally, claims 65-78 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-50 of U.S. Patent No. 6,420,108. Applicants respectfully traverse all these rejections. But in order to expedite prosecution of the above identified application, claims 65-78 have been cancelled without prejudice in any manner.

New Claims

Claims 79-80 have been added. Examples support these claims can be found in the specification. More specifically, examples for displaying a first axis indicative of a value of a first expression level for a first expressed sequence can be found at least on page 12 of the specification and Figure 6 of the drawings. Examples for displaying a first mark at a first position can be found at least on page 12 of the specification and Figure 6 of the drawings. Examples for generating a sound associated with the first mark, the sound indicative of a second expression level for the first expressed sequence can be found at least on page 12. Examples for receiving an input of selection of the first mark can be found at least on page 13 of the specification. Examples for displaying information associated with the first expressed sequence can be found at least on page 14 of the specification.

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Additionally, Applicants respectfully submit that Zhao et al. and Burks et al. do not, alone or in combination, teach or suggest one or more claim limitations. For example, Zhao et al. and Burks et al. do not, alone or in combination, teach at least the generating a sound associated with the first mark, the sound indicative of a second expression level for the first expressed sequence. For at least these reasons, claims 79-80 should be allowed.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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